

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1, 2, 7, 10-26, 28-34, 38 and 39-57 are pending, Claims 1, 2, 7, 33, and 38 having been amended, and Claims 8-9, 27 and 35-37 and 58-60 having been canceled by way of the present amendment.

In the outstanding Office Action Claims 1-26 and 28-60 were rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description; Claims 3-9 were rejected under 35 U.S.C. § 112, second paragraph; Claims 1-14, 20, 21, 25, 26, 28, 32-39, 40-43, 48, 49, 53-55 and 58-60 were rejected as being unpatentable over Logan et al. (U.S. Patent No. 6,088,455 “hereinafter Logan”) in view of Buil et al. (U.S. Patent Publication No. 2002/0018074 “hereinafter Buil”).

In reply to the 35 U.S.C. § 112, first paragraph rejection, Applicants have canceled the objectionable subject matter from the pending claims. Therefore it is believed that the 35 U.S.C. § 112, first paragraph rejection is now moot.

Claim 8 has been amended consistent with 35 U.S.C. § 112, second paragraph.

All of the prior art rejections rely on Buil as a secondary reference. The present application claims priority to EP00403556.4 which has a filing date of December 15, 2000, which is prior to the August 17, 2001 filing date in Buil. Because the European priority document is in English, there is no requirement for a translation. As the subject matter of the priority document is substantially the same as that of the present patent application, it is respectfully submitted that the presently pending claims are equally well supported by the priority document as in the instant application. Therefore, all of the prior art rejections based on Buil are traversed since Buil is not prior art.

Nevertheless, the presently claimed invention is patentably distinct over the asserted prior art. Claim 1 is directed to an apparatus for establishing an outputting a succession of music titles in which an artistic or rational link is reflected in the succession. The apparatus includes first input means for receiving a sequence comprising an audio data stream of music titles in which an initial artistic or rational link is considered to exist between at least some pairs of adjacent items. The apparatus also includes a segmentation means for extracting segmentation data indicating end limits of the music titles from a website associated to a source of the audio data stream, for receiving the segmentation data through second input means separate from the audio data stream and for recovering music titles from the audio data stream in response to the segmentation data. The apparatus also includes a means for storing and recovering the music titles.

An advantage of the present invention is that it includes the segmentation means for extracting segmentation data indicating end limits of the music titles. The segmentation data is from a website associated to a source of the audio data stream. The reception of the segmentation data is through a second input means that is separate from the audio data stream. This allows a convenient way of providing the segmentation data using much less bandwidth than conventional techniques. Furthermore, the processing demand is much less than another device that requires sound analysis in order to distinguish between music titles.

In contrast, Logan does not describe a website that broadcasts both audio data stream and segmentation data. The website described at the end of column 7 has no connection with the audio data stream emitter. Moreover, if the website knew exactly the music titles and the broadcast time of those music titles, using several identification signals for a music title would be useless. Indeed, the website must emit numerous identification signals that are compared to the input audio data stream and then a complicated sound analysis must be performed to identify a music title. This is due to the database and processor being totally

independent from the audio stream broadcast. Moreover, the database and processor provides sets of identification signals, and not the identity of end limits of the segmentation data. Therefore, the database and processor have no way to locate the time when a given audio stream is emitted.

Thus, Logan does not provide the same structure or function of that of the presently claimed invention of Claim 1. Logan requires a long, complicated and numerous successive sound analysis based on the identification signals. In contrast, amended Claim 1 allows for a convenient solution by providing segmentation data indicating the end limits of the music titles. Therefore, the transmission of segmentation data according to the present invention requires far less bandwidth than the identification signals according to Logan. Moreover, the segmentation according to amended Claim 1 would require far less processing than the sound analysis according to Logan, which requires a sound signal correlator (column 8, lines 45-60).

Therefore, it is respectfully submitted that the invention defined by amended Claim 1 which discloses the segmentation means as claimed, is patentably distinguishing over Logan. To the extent the Office Action relies on Buil to cure the deficiency in Logan regarding the segmentation means, Applicants traverse the rejection as Buil is not prior art with regard to the presently claimed invention as discussed above. Each of the other claims varies in statutory class or scope, but is believed to patentably define over the asserted prior art for substantially the same reasons as Claim 1.

Therefore, it is respectfully submitted that each of the pending claims, as amended, comply with 35 U.S.C. § 112, first paragraph, and patentably define over the asserted prior

art. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully submitted,

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